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The "Great Compromise"

On July 16, 1987, Members of the One-hundredth Congress will mark the bicentennial of the Great Compromise by which the Constitutional Convention agreed to the structure of the new national legislature. The compromise provided for proportional representation in a popularly elected House of Representatives and equal representation of states in a Senate elected by the state legislatures. Although the Constitutional Convention remained in session another two months, the delegates made no significant changes in the structure of Congress after July 16. The Great Compromise also settled the summer's most contentious debate that had threatened to bring the Convention to a standstill. The date of the compromise marks not only the origins of the federal Congress but the ultimate success of the plan for the new government as well.

The final agreement on the structure of Congress is often referred to as the Connecticut Compromise because of the role that delegates from that state played at several key points in the negotiations. The compromise, however, was a complicated arrangement that represented the efforts of a number of delegates from several states. For more than a month delegates from large and small states and those representing slave and free states bargained with one another until they reached an accord on the most important points of division at the Convention.

The delegates at the Convention recognized that the provisions for a new congress would determine many of the questions about the character and authority of the federal government. In the Virginia Plan Madison proposed two houses of congress to replace the unicameral legislature under the Articles of Confederation. Madison also wanted each house to be based on proportional representation in order to lessen the influence of the states. Popular election of the House of Representatives would further insure the national character of the new Congress. William Paterson of New Jersey and other delegates from small states wanted the states to have equal representation in a single house elected by the states legislatures.

The Assembly Room of the Pennsylvania State House where delegates to the Constitutional Convention agreed to the Great Compromise on July 16, 1787.

Independence National Historical Park Collection

Thanks in part to a devastating speech by Madison on June 19, the delegates rejected Paterson's proposal for a unicameral legislature and proceeded to discuss the proper form of a bicameral Congress. By the end of June the Convention agreed to the popular election of House Members, the election of senators by state legislatures and the term of office for both houses. Two weeks of debate, however, did little to produce a solution to the question of representation. The nationalists insisted on proportional representation in both houses while the small state delegates refused to yield the equal vote that each state enjoyed in the Continental Congress.

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A majority of state delegations favored proportional representation but recognized that the opposition of the small state minority could destroy the opportunity for a new constitution.

In the opening days of the Convention John Dickinson of Delaware suggested that states might have proportional representation in one branch of the legislature and a single vote in the second branch. Roger Sherman had made a similar proposal before the creation of the Articles of Confederation and repeated the idea during the debate on representation. On June 29, Oliver Ellsworth, one of Sherman's fellow delegates from Connecticut, introduced a resolution to provide proportional representation in the House of Representatives and a single vote for each state in the Senate. The Convention appointed a Committee of Eleven, with one delegate from each state in attendance, to consider Ellsworth's resolution.

After an adjournment for the celebration of Independence Day, the Committee of Eleven presented its report to the Convention on July 5. Led by Benjamin Franklin, the Committee approved Ellsworth's compromise on representation. In an effort to appease the nationalists like Madison, the Committee recommended that the House be granted complete authority over all bills for raising a revenue or appropriating funds.

As the Convention entered into further debate on the proper form of representation, the delegates could no longer avoid an open discussion of slavery. Slaves accounted for twenty percent of the nation's population and in some southern states slaves made up more than forty percent of the total inhabitants. If slaves were counted for the purposes of proportional representation, the southern states would be insured of a dominant influence in the national legislature. On June 11, in expectation of some form of proportional representation, the Convention approved a proposal that three-fifths of a state's slave population be counted for the determination of representation. In the debate that followed, delegates from north and south proceeded on the assumption that this three-fifths compromise would stand. Not surprisingly, the consistent support for proportional representation came from the southern states along with Pennsylvania which was second to Virginia in population.

When the Convention appeared deadlocked in late June, Madison told the Convention that the division between small and large states was an artificial one, and he twice proposed a Congress in which one house was apportioned on the basis of the total slave and free population and the other house apportioned on the basis of the free population alone. The Convention disregarded this idea, but no one could avoid the realization that slavery was the real issue dividing delegates on the question of proportional representation. In the days following the report of July 5, as the Convention discussed the apportionment of seats in the First Congress and the decennial reapportionment of House seats, southern delegates made clear that the three-fifths compromise was the minimum requirement for their support of the Constitution. Despite the protest of a few individuals like Gouverneur Morris of Pennsylvania, most northern delegates accepted the idea of granting some degree of representation on the basis of the slave population.

On July 12 the Convention accepted the recommendation of the Committee of Eleven that seats in the House of Representatives be apportioned on the basis of population, including three-fifths of the slave population. On July 16, after a last minute effort of Charles Pinckney to salvage some form of proportional representation in the second branch of the legislature, the delegates completed what became known as the Great Compromise when they voted to establish a Senate with equal representation for all states.

Like most compromises, that on representation found few defenders at first. Madison considered the equality of states in the Senate to be a decisive defeat of his plan for a truly national government. Southern delegates thought the three-fifths compromise a dangerous concession that would lessen their influence on the new government. Yet, in the coming weeks the delegates realized that the vote of July 16 was a turning point that allowed them to proceed through the rest of their business with relative ease. Delegates from the small states became willing to grant the central government greater authority once they achieved equality in the Senate. Through bargaining and tradeoffs, the delegates created a Congress that would redefine legislative government and embody the concept of federalism that won ratification for the new Constitution and provided a workable plan of union.

From Constitutional Convention to the House of Representatives: Part 4

For several delegates to the Constitutional Convention, neither participation in that great debate nor later service in the House of Representatives were sufficient to guarantee recognition in our own time. The careers of the four delegates presented here do, however, offer revealing glimpses of the political culture at the time of the founding of the government. In his own day Charles Pinckney made a brilliant appearance in several public forums without ever achieving lasting influence on national politics. His subsequent claims for a significant contribution demonstrates the founding generation's concern with historical reputation.

As Roman Catholics, Thomas Fitzsimons and Daniel Carroll were barred from public office in the colonial period. Only after Independence were they able to assume the political position that was usually the prerogative of merchants and planters of their stature. The lack of evidence makes it difficult to assess the contribution, if any, of Nicholas Gilman. We can only guess why the voters of New Hampshire were so willing to select him as their representative in national affairs.

U.S. Senate Historical Office

CHARLES PINCKNEY (1757-1824)

Charles Pinckney emerged as a key figure in national politics on numerous occasions ranging from the days of the Continental Congress to the debates on the Missouri Compromise in the House of Representatives. As a young man Pinckney displayed an uncanny ability to project himself to the center of the debate on the establishment of a new form of national government. Pinckney's exaggerated claims for his own importance made it difficult for later generations to assess the significance of his contributions. The real story of Pinckney's public life, if somewhat less than he asserted, is a revealing tale of a man committed to both a strong national government and the particular interests of his native South Carolina.

Pinckney was born October 26, 1757, the son of a wealthy family in low-country South Carolina. He attended school in Charleston and prepared to study law at the Middle Temple in London when the Revolution forced him to complete his legal education in South Carolina. Despite his father's ambiguous support for the American cause, the younger Charles became an ardent patriot in both the military and the state assembly.

Like many Americans who came of age during the Revolution, Charles Pinckney was strongly committed to the national union by the mid-1780s when he arrived as a delegate to the Continental Congress. Between 1785 and 1787 he offered a series of proposals for revision of the Articles of Confederation. Pinckney arrived at the Federal Convention in 1787 determined to create a more energetic form of government for the union of states.

In the early days of the Convention Pinckney presented a draft constitution that the delegates never addressed on the floor. Years afterward Pinckney published a supposed copy of this plan that bore a striking similarity to the final Constitution. After prolonged debate among historians it now appears that the convention referred Pinckney's plan to a committee and some of the language was used in later drafts, but the plan published by Pinckney in later years was not the one presented at the convention.

The debate over the authenticity of Pinckney's draft has obscured his undeniable contribution to the proceedings of the Federal Convention. As one of the most frequent contributors to debate in the convention, Pinckney variously displayed his commitment to nationalism, his low-country political heritage and his jealous protection of slavery. His desire for a strong national government was clear in the discussion of Congress and the president. He agreed with Madison that the Senate as well as the House of Representatives should be based on proportional representation and in his lengthiest speech of the summer described the folly of a Senate that represented states or a particular social class as was the case in Europe. Pinckney hoped to increase the power of the national executive by denying Congress the power of impeachment.

Despite his desire to establish a more powerful national government, Pinckney was reluctant to provide for direct democracy on the national level. He suggested that House Members as well as Senators be elected by the state legislature. He also feared that popular election of the president would attract demagogues to that office. Pinckney suggested property requirements for federal officeholders would insure the election of "independent and respectable" men.

In contrast to his general support for national authority over the states, Pinckney adamantly defended his native state's involvement with slavery. South Carolina, he promised, would not even consider a constitution that closed off the slave trade. In the debate on proportional representation, Pinckney unsuccessfully fought for full representation of slaves who, he claimed, were as productive of national wealth as workers in the North. Although other members of the South Carolina delegation actively sought the protection of slavery, Pinckney held the dubious distinction of being the only delegate who offered a moral defense of slavery.

Following the Federal Convention, Charles Pinckney returned to South Carolina and assumed his place among the low-country gentry. In 1782 he had inherited his father's plantation at Snee Farm and now owned more than one hundred slaves. In 1788 he increased his wealth by marrying the daughter of Henry Laurens, Charleston's most prominent merchant. Pinckney served as governor of South Carolina from 1789 to 1792, and was president of the convention that devised a new state constitution in 1790. In the early years of the federal government Pinckney supported the Washington administration, but he became increasingly disenchanted after he failed to win a diplomatic appointment. By 1798 he was allied with the Jeffersonian Republicans and won election to the United States Senate.

In 1801 Thomas Jefferson rewarded Pinckney's support with a diplomatic post in Spain where the South Carolinian won for Americans the right to ship goods to New Orleans. Upon his return to South Carolina in 1806, this low-country aristocrat became the leader of the Jeffersonian Republicans whose strength centered in the state's backcountry. As a member of the South Carolina assembly in 1806 and 1810–1813 and governor in 1806, Pinckney displayed a faith in democracy that had been absent at the Federal convention. He promoted legislative reapportionment and universal suffrage for white men in order to grant more political influence to the backcountry.

Charles Pinckney held his final political office when he returned to the

national scene as a Member of the House of Representatives from 1819 to 1821. He played a notable role in the debates on the Missouri Compromise when he denied the government's right to limit the expansion of slavery. Pinckney refused nomination for a second term in 1820 and returned to South Carolina where he died October 29, 1824.

Library of Congress

DANIEL CARROLL (1730-1796)

Daniel Carroll's relatively brief public career coincided with a series of critical events in the establishment of the federal government. First entering national politics after his fiftieth birthday, Carroll was able to unite the interests of his native Maryland with the movement for a strong national union. After many years as a planter and trader, this son of a prominent Maryland family spent the final fifteen years of his life devoted to public service and the success of the young republic.

Carroll was born in Upper Marlboro, Maryland on July 22, 1730, to one of two prominent Catholic families of that name in the colony. Daniel's father was sufficiently wealthy to send his children to Europe for the Catholic education that was illegal in Maryland. Daniel and his brother John, who later became the first Catholic archbishop in the United States, attended the Flemish school St. Omers that was a favorite of English Catholics and a few wealthy colonists. Daniel returned in 1748 after six years of study. Upon the death of his father in 1751 he assumed management of the family estates and mercantile business. The following year he enhanced his already considerable wealth and connections when he married Elizabeth Carroll of Duddington.

In the years between his marriage and the Revolution, Daniel Carroll operated a trading store at Upper Marlboro on the Patuxent River. He occasionally imported cargoes of goods from London on his own account, but more frequently purchased large orders from Scottish tobacco merchants resident in Maryland. Carroll sold these British-manufactured goods or traded them for tobacco. Carroll also expanded his landholdings in Frederick County and later became the county's largest slaveholder.

Daniel Carroll first entered public life as a member of the Maryland Council in 1777. During his five years on the Council, Carroll drew on his mercantile experience to help Maryland meet its quota of provisions for the army. Carroll moved into national politics as Maryland offered its long-awaited accession to the Articles of Confederation. When he took his seat in the Continental Congress in February of 1781 he brought the Maryland Assembly's authorization for him and the other state delegates to sign the Articles. During his term in Congress Carroll carefully defended Maryland's insistence that western territory be organized as new states. The two-year experience in the national Congress allowed Carroll to establish friendships with important nationalists like James Madison and James Wilson. After leaving Congress, Carroll's interest in opening the Potomac to navigation not only cemented his friendship with George Washington, but impressed upon him the difficulty of negotiating commercial agreements between states.

By the time Carroll was selected as a delegate to the Federal Convention he was a proponent of a strong central government with a democratic foundation. After a delay owing to illness and lack of travel expenses, Carroll arrived at the Philadelphia convention on July 9 as the delegates were negotiating the final elements of the Great Compromise. During the remaining weeks of the convention Carroll attended faithfully and offered proposals for an energetic form of government. He supported the popular election of the president in the hopes of creating a national constituency. The power of direct taxation would insure the independence and flexibility of the federal establishment. At the same time, Carroll continued to press Maryland's demand that western territory remain under the jurisdiction of the national government. He joined another Maryland delegate, Luther Martin, in seeking protection of Maryland's commerce from interference by Virginia.

After signing the Constitution on September 17, 1787, Carroll returned to Maryland to work for ratification, although he was not a delegate to the state convention. In January 1789 Carroll won election to the House of Representatives from Maryland's Sixth District, and he took his seat on April 6. As a congressman, Carroll supported Hamilton's plan for funding the federal debt and spoke in favor of a strict separation of church and state. In the final days of the First Congress President Washington named Carroll as one of three commissioners to supervise the building of the new nation's capital along the Potomac. Despite a series of conflicts arising from his family's property holdings in the Federal City and a quarrel with Pierre L'Enfant, the principal designer of the city plan, Carroll served as commissioner until May of 1795. He died at his home along the upper reaches of Rock Creek on May 7, 1796.

THOMAS FITZSIMONS (1741-1811)

By the time of the Federal Convention Thomas Fitzsimons was a well-established merchant who had repeatedly demonstrated his support for American independence and the success of a federal republic. From the resistance movement preceding independence through the early years

of the U.S. House of Representatives, Fitzsimons offered his time and money to the American cause. Although he never emerged as a leader of men or an original political mind, Fitzsimons generously fulfilled the responsibilities of a citizen of means.

Thomas Fitzsimons was born in Ireland in 1741 and in the 1750s emigrated with his father to Philadelphia. The younger Fitzsimons entered trade in that most prosperous of American port cities and in 1761 married Catharine Meade, the daughter of a wealthy Philadelphia merchant. Fitzsimons joined with his brother-in-law to establish a West Indies trading firm that enjoyed great success in the years before the Revolution.

Fitzsimons entered public life when the colonial resistance to Great Britain reached the final crisis. In response to Boston's call for support in its resistance to the Port Act, Fitzsimons joined 12 other Philadelphians as a Committee of Correspondence to call a public meeting at which Fitzsimons subsequently was selected as a delegate to a provincial Congress. He thus became the first Roman Catholic elected to public office in Pennsylvania. Fitzsimons' support for the patriot cause continued through the demanding times of military struggle. He raised and led a company of militia and with his business partner contributed more than £5,000 for provisioning the Army. He also served on the Council of Safety and the Navy Board of Pennsylvania. After the close of the war, Fitzsimons served in the Continental Congress and the Pennsylvania Assembly.

In 1787 Thomas Fitzsimons joined seven other men from Pennsylvania to form the largest state delegation at the Federal Convention. From this contingent that included James Wilson, Gouverneur Morris and Benjamin Franklin, Fitzsimons had little influence on the proceedings of the Convention. In his rare comments during debate and in his voting record he proved to be suspicious of excessive democracy and protective of commercial interests. He took a slightly more visible part in Philadelphia's celebration of ratification when during a grand procession he rode the horse of the Comte de Rochambeau and carried a banner signifying the French Alliance. Fitzsimons then won election to the House of Representatives in the first three Congresses. As a Congressman from Pennsylvania he continued to seek legislation to encourage commercial development, and he was an enthusiastic supporter of Hamilton's fiscal program.

Despite his varied public service, Fitzsimons achieved his greatest influence in private business. In the years following independence, he expanded his commercial interests to become a leading figure in the economic life of Philadelphia. Fitzsimons was among the first American merchants to trade with China. In 1781 he was a founder of the Bank of North America and served on its board of trustees. Fitzsimons also was president of the Insurance Company of North America from its founding in 1790 until his death in 1811. After 1790, Fitzsimons joined Robert Morris, another of Pennsylvania's delegates to the Constitutional Convention, as a partner in land speculation. The failure of Morris eventually led to Fitzsimons' own bankruptcy in 1805, although he sufficiently recovered to avoid joining Morris in debtors prison. He died in Philadelphia on August 26, 1811.

NICHOLAS GILMAN 1755-1814

The Federal Convention was fortunate to draw on a level of talent seldom, if ever, gathered together on another occasion in American history. Many great men brought their abilities to bear on the work of the Convention and other modest men rose to moments of statesmanship in the difficult job of drafting a new charter of government. Yet, like any political gathering, some of the delegates fell short of the demands of the task. Nicholas Gilman was one man whose contribution, as far as the historical record indicates, never exceeded the act of attendance. Through a long period of representing New Hampshire in the Continental Congress, the Constitutional Convention, and both houses of the federal Congress, Nicholas Gilman never emerged as an active participant in national politics.

Nicholas Gilman was born in Exeter, New Hampshire on August 3, 1755. His father operated a trading store where Nicholas was a clerk as a young man. Gilman entered the army at the opening of the Revolutionary War and served with the New Hampshire Line until after the battle of Yorktown. Upon his return to New Hampshire he worked briefly at his father's store and became involved in local politics. In the face of popular disturbances surrounding a paper-money controversy, Gilman in 1786 organized and led a local militia unit.

As a supporter of John Sullivan, New Hampshire's leading politician and Revolutionary hero, Nicholas

Nicholas Gilman
Independence National Historical Park Collection

Gilman won election to the Continental Congress in 1786 and served in that body during the following two years. In January 1787, the New Hampshire Assembly selected Gilman as a delegate to the Federal Convention scheduled to convene in Philadelphia in May. The Assembly was reluctant to provide expenses or even letters of credit, and the state's two delegates did not arrive at the Convention until July 23. By that date, the Convention had completed its most important business. Gilman

remained silent on the floor of the Convention and in the final weeks of the meeting served as New Hampshire's representative on the Committee on Remaining Matters.

As a member of the Continental Congress, Gilman helped guide the Constitution through the process of ratification and implementation. He then won election to the First and the three succeeding Congresses. Again Gilman narrowly defined his duties of representation. His only recorded speech in eight years was a concise appeal for a post office in his home town. In the House Gilman continued to vote with the commercial interests and generally supported the Federalists. After leaving Philadelphia he returned to New Hampshire and served in the state senate in 1804–1805. During his residence in New Hampshire, Gilman's support of the Federalists lapsed sufficiently for President Jefferson to appoint him a commissioner in bankruptcy. In 1804 the New Hampshire legislature elected him as a Jeffersonian Republican to the U.S. Senate. Although he remained in that body until his death on May 2, 1814, Gilman was the silent legislator as usual.

Major Bicentennial Exhibit at National Archives

As part of its celebration of the 200th anniversary of the Constitution, the National Archives has opened a major exhibition entitled, "The American Experiment: Living With the Constitution," in the Circular Gallery. The exhibition will focus on the ways in which the Constitution has been challenged and interpreted over the past 200 years. Three constitutional issues, which are of major concern to Americans, will be highlighted: Who has the right to vote? What are the powers of the Commander-in-Chief? What are the roles of the state and Federal governments in school desegregation?

"Living With the Constitution" includes 247 original documents, photographs, drawings, three-dimensional objects, and three audiovisual viewing stations.

Among the milestone documents featured in the exhibition are the Joint Resolution of Congress proposing the 14th Amendment to the Constitution, which has been held by the courts to be a guarantor of the constitutional rights of individuals; the 1965 Voting Rights Act, considered to be a crucial step toward protection of the right to vote; and the War Powers Act of 1973 which limits the power of the President to wage war without Congressional authorization.

Acting Archivist Frank G. Burke described "Living With the Constitution" as "a unique opportunity to view the Constitution as a living document, relevant to our everyday lives. James Madison, Alexander Hamilton, and John Jay envisioned the Constitution as an experiment in popular government. This exhibition provides evidence of the success of this experiment, showing how the Constitution remains a vital force for democracy in today's world."

"The American Experiment: Living With the Constitution," which is free and open to the public, will continue through September 1988.

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